

REMARKS/ARGUMENTS

Claims 1-40 are pending in the present application. Claims 8 and 25 were amended.
Reconsideration of the claims is respectfully requested.

I. Objection to Claims: Claims 8 and 25

The examiner has stated that claims 8 and 25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the claims have been rewritten to overcome this objection.

II. 35 U.S.C. § 103, Obviousness: Claims 1-14, 18-31, and 35-37

The examiner has rejected claims 1-14, 18-31, and 35-37 under 35 U.S.C. 103(a) as being unpatentable over Stewart et al., *Distributed Network Communication System Which Enables Multiple Network Providers to Use a Common Distributed Network Infrastructure*, U.S. Patent No. 6,732,176 (May 4, 2004) (hereinafter “Stewart”) in view of Moore et al., *System and Methods for Providing Physical Location Information and a Location Method Used in Discovering the Physical Location Information to an Application on a Computing Device*, U.S. Patent No. 7,000,015 (formerly U.S. Patent Publication No. 2001/0047407) (hereinafter “Moore”). This rejection is respectfully traversed.

Regarding Claim 1, Stewart discloses a method for management of a distributed data processing system, comprising: determining a unique hardware identifier for a network device (Column 10, lines 38-52); associating the unique hardware identifier with geographic location information (Column 10, lines 38-52; and Column 11, lines 17-53); and Configuring the network device in accordance with the geographic location information (Column 11, lines 28-53), but does not disclose that this is done through a network administrative user interface. Moore, however, discloses configuring a network device in accordance with the geographical location information through a network administrative user interface (Page 14, Paragraph 275). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the physical location determination system of Moore into the distributed communications system of Stewart in order to provide reliability in the geographic location information by using the maximum number of location determination mechanisms that are allowed in a particular computer or network.

Office Action dated October 11, 2005, pages 2-3

A. The examiner bears the burden of establishing a *prima facie* case of obviousness.

The examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780

(Fed. Cir. 1992). In this particular case, the examiner has failed to establish a *prima facie* case of obviousness because not all the features are present in the cited references as believed by the examiner. Further, no teaching, suggestion, or incentive is present to modify and combine the references in the manner suggested by the examiner.

B. All claim limitations must be considered, especially when missing from prior art.

Additionally, in comparing the cited references to the claimed invention, the features of the presently claimed invention may not be ignored in an obvious determination. Claim 1 reads as follows:

1. A method for management of a distributed data processing system, the method comprising:
 - determining a unique network hardware identifier for a network device;
 - associating the unique network hardware identifier with geographic location information; and
 - configuring the network device in accordance with the geographic location information through a network administrative user interface.

Neither reference alone or in combination teaches or suggests configuring the network device in accordance with the geographic location information. Further, configuring the network device through a network administrative interface also is not shown or suggested by either reference alone or in combination.

In asserting that *Stewart* teaches configuring the network device in accordance with geographic location information, the examiner cites the following:

In step 206 the access point 120 to which the user has connected may transmit known geographic location information to the network (e.g., to a network provider on the network). This known geographic location information may originate from the AP 120 or from the PCD 110 of the user. As discussed further below, this known geographic location information may be used in various ways. For example, the geographic location information may be used in selecting among two or more possible network providers to which the user has previously subscribed, or may be used in selecting the default provider.

The geographic location information may also be used in determining the network services or access privileges of the user, or used in determining charging aspects of the use. For example, this known geographic location information may be used to determine whether a third party pays for the network access of the user. As one example, an employer of the user (employee) may have previously directed that the employer will pay for network access of the employee if the employee is located in an airport or hotel, but not if the employee is located, for example, in a bar. The known geographic location may also be used to determine a charge rate, based on various incentive or sponsorship programs of which the user is a member. For example, the user may receive a discount if he/she uses network access from certain locations, such as a certain business, a certain airport club, etc. The known geographic location information may also be used to selectively provide different access or privilege levels based on the geographic location, e.g., a user may have greater privilege/access levels at a first geographic location than

from a second different geographic location. This known geographic location information may further be used to provide services to the user which are dependent upon the geographic location of the user. For more information on the use of geographic location information for providing geographic based services, please see U.S. Pat. No. 5,835,061, referenced above.

Stewart, Column 11, Lines 17-53.

As can be seen, *Stewart* teaches using geographic location information that originates from an access point or a personal computing device of the user. *Stewart* teaches using this geographic location information to select a provider from two or more network providers. Further, *Stewart* also teaches using this information to determine different services, privileges, or billing aspects for the user.

These different features, however, do not teach or suggest configuring a device based on the geographic location information. For example, selecting a network provider from two or more network providers does not require configuring the network device. The access level or privileges provided to a user based on geographic location also do not require configuring the network device. Further, the type of billing for services does not require any configuration of the hardware device as discussed in the cited portion of *Stewart*. Nowhere does *Stewart* teach, suggest, or provide any incentive for configuring a hardware device using the geographic location information.

Additionally, *Moore* also does not provide teaching configuring network device in accordance with geographic location information through a network administrator interface as believed by the examiner. The examiner cites to the following portion of *Moore* for the step of teaching configuring a network device using geographic location information through a network administrative interface:

[0275] The preceding sections describe aspects of the present invention as a service that discovers and presents to applications the identities of the logical networks to which their host computer is attached. While helpful in many scenarios, this information is sometimes not sufficient. Only with relatively precise geographic location information can some applications and services adequately conform their behavior to the realities of their location. For example, a desktop computer can use knowledge of its physical location in choosing the proxy servers to which it connects, in setting the time zone value for its clock, in choosing a nearby printer as the system default, and in choosing which virtual private networks to join. A server can use the locations of its remote clients to measure the geographic spread of interest in its services, to restrict content, and to assess shipping charges. Network administrators can use location information to enhance physical reliability of network links by ensuring that the links are diversely routed, that is, that the links do not share a physical path.

Moore, Paragraph 275.

As can be seen, this portion of *Moore* teaches using geographic location information to conform the behavior of applications and services to the locations. This portion also does teach and suggest that network administrators may use location information to enhance physical reliability of network links

through routing mechanisms. However, this cited portion of *Moore* is absent of any teaching as to how the routing of links is to be formed. This routing may be performed through a routing process implemented on a hardware device, rather than with a network administrator using a user interface to configure the routing devices as interpreted by the examiner. *Moore* is silent with respect to any teaching as to how the routing is performed in this cited section.

Thus, no teaching, suggestion, or incentive is present in *Moore* to use an administrative user interface to configure a network device in accordance with geographic location information. Consequently, neither reference alone nor in combination teaches the configuring step as recited in claim 1.

C. Stating that it is obvious to try or make a modification or combination without a suggestion in the prior art is not *prima facie* obviousness.

The mere fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989) and also see *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) and *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1993). The examiner may not merely state that the modification would have been obvious to one of ordinary skill in the art without pointing out in the prior art a suggestion of the desirability of the proposed modification.

In modifying *Stewart* with *Moore*, the examiner has stated that it would be obvious to incorporate the physical location determination system in *Moore* into the system of *Stewart* to provide reliability in the geographic information by using the maximum number of location determination mechanisms that are allowed on a particular computer or network. The examiner has not pointed out where this rationale or reason for combining the references is found in the references or elsewhere in the prior art. This rationale for combining and modifying the references is the examiner's own incentive or suggestion without any basis in the prior art. Thus, one of the ordinary skill of the art would not combine and modify these two references in the manner necessary to reach the presently claimed invention because no teaching, suggestion, or incentive has been pointed out based on the prior art for the modification. Assuming *arguendo*, that *Stewart* and *Moore* teach the features as asserted by the examiner, the examiner has failed to provide any teaching, suggestion, or incentive based on the prior art for the combination and modification of these two references.

Therefore, these two references cannot be combined and modified in the manner necessary to reach the presently claimed invention. The other independent claims contain features similar to independent claim 1. Thus, these independent claims are patentable over cited references for the same reason. The dependent claims depending from these independent claims also are patentable for these

same reasons. Further, the dependent claims also include other additional features not shown or suggested by the cited references.

For example, Claim 4 reads as follows:

4. The method of claim 1 further comprising:
generating a unique name for an endpoint resource on the network device,
wherein the unique name comprises the geographic location information.

The examiner believes that this feature is found in the following portion of *Stewart*:

The network communication system 100 may be geographic-based. In other words, the network communication system 100 may provide information and/or services to the user based at least partly on the known geographic location of the user, e.g., as indicated by the access points 120 or as indicated by geographic information (e.g., GPS information) provided from the PCD 110. In one embodiment, the APs 120 are arranged at known geographic locations and may provide geographic location information regarding the geographic location of the user or the PCD 110. In another embodiment, the PCD 110 may provide geographic location information of the PCD 110 through the AP 120 to the network 130. For example, the PCD 110 may include GPS (Global Positioning System) equipment to enable the PCD 110 to provide its geographic location through the AP 120 to the network 130, such as to a service provider 140 coupled to the network 130.

Stewart, Column 8, Lines 17-33.

This portion of *Stewart* teaches providing information and services to a user based on the geographic location of the user through the access points for geographic information provided by the personal computing device. This cited portion of *Stewart*, however, does not teach generating a unique name for the endpoint resource on a network device in which the unique name is the geographic location information. Nowhere does *Stewart* teach generating a unique name for an endpoint resource on a network device in these examples. In other words, *Stewart* does not teach generating a unique name in which the unique name includes or is the geographic location information.

No such teaching, suggestion, or incentive is found in the cited portion of *Stewart*. If the examiner believes that this teaching is found in other portions, applicants respectively request that the examiner point out these teachings.

As another example, Claim 6 reads as follows:

6. The method of claim 4 further comprising:
associating the unique name for the endpoint resource with the unique network hardware identifier.

The examiner believes that *Stewart* teaches associating a unique name for the endpoint resource with a unique network identifier pointing to previously cited portions of this reference. One section cited by the examiner reads as follows:

In step 204 the personal computing device (PCD) 110 of the user transmits identification information (ID information) to an access point (AP) 120 of the network. The identification information may take any of various forms. In one embodiment, the identification information comprises a System ID (SID) according to IEEE 802.11. As discussed above, IEEE 802.11 (wireless Ethernet) is designed to support multiple overlapping wireless LANs in a given coverage area. IEEE 802.11 uses the System ID (SID) to "select" which LAN to use, and thus which access point with which to associate. In this embodiment each System ID may be uniquely associated with a respective network provider, and thus the user may configure the System ID on his/her PCD 110 to uniquely identify the network provider to which the user has selected or subscribed.

Stewart, Column 10, Lines 38-52.

This portion of *Stewart* teaches providing identification information to an access point. This identification information may include a system identifier, which is configured by the user. This portion of *Stewart*, however, provides no teaching, suggestion, or incentive for associating the unique name for the endpoint resource with the unique hardware identifier. The other previously cited portion adds no additional teaching, suggestion or incentive for this feature. Nowhere does *Stewart* teach or suggest associating a unique name with an endpoint resource. Instead, *Stewart* only teaches using a system ID without teaching or suggesting that system ID.

In another example, claim 7 reads as follows:

7. The method of claim 4 further comprising:
 - determining a router closest to the endpoint resource;
 - retrieving router geographic location information associated with the router; and
 - using the router geographic location information in the generated unique name for the endpoint resource.

The examiner cites to the following as teaching the determining step in claim 7:

Each access point 120 may comprise information used to identify or select a network provider for a particular user, as well as related access information to enable the network provider to provide access. When in sufficiently close range to an access point 120, or when the PCD 110 is directly coupled to an access point 120 in a wired fashion, the PCD 110 may access the network utilizing a particular network provider, as discussed further below.

Stewart, column 5, lines 55-62.

As can be seen, this portion of *Stewart* teaches using access points rather than a router. An access point is not a router and no teaching, suggestion, or incentive is present for modifying this teaching to use a router in place of an access point. The other cited sections in *Stewart* also are directed towards steps using an access point, rather than a router.

Further, claim 7 makes it clear that the network device is not an endpoint resource. In this example, the network device is a router in which a unique name generated for an endpoint resource based

on the geographic location information of the network device, which is the router. Thus, it is clear in claim 7 that an endpoint is not a network device. This interpretation is consistent with the use and definition of the terms “endpoint” and “network device” in the Specification.

Therefore, the rejection of claims 1-14, 18-31, and 35-37 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over *Stewart* and *Moore* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: November 30, 2006

Respectfully submitted,

/Duke W. Yee/

Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants